

## REMARKS

### A. Background

Claims 1-40 were pending.

In the Office Action, the pending claims were determined to be directed variously to the following twenty-seven (27) patentably distinct species of the disclosed invention:

Species A: a catheter as depicted in Figures 1-5;

Species B: a catheter as depicted in Figures 6-9;

Species C: a catheter as depicted in Figures 10-12;

Species D: a catheter as depicted in Figures 13-14;

Species E: a catheter as depicted in Figure 15;

Species F: a catheter as depicted in Figures 16-18;

Species G: a catheter as depicted in Figures 19-22;

Species H: a catheter as depicted in Figures 23-25;

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Species I: a catheter as depicted in Figures 26-27;

Species J: a catheter as depicted in Figures 28-29;

Species K: a catheter as depicted in Figure 30;

Species L: a catheter as depicted in Figures 31-32;

Species M: a catheter as depicted in Figures 33-37;

Species N: a catheter as depicted in Figure 38;

Species O: a catheter as depicted in Figures 39-41;

Species P: a catheter as depicted in Figures 42-43;

Species Q: a catheter as depicted in Figures 44-46;

Species R: a catheter as depicted in Figure 47;

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Species S: a catheter as depicted in Figure 48;

Species T: a catheter as depicted in Figures 49-50;

Species U: a catheter as depicted in Figure 51;

Species V: a catheter as depicted in Figures 52-53;

Species W: a catheter as depicted in Figures 54-55;

Species X: a catheter as depicted in Figures 56-57;

Species Y: a catheter as depicted in Figure 58;

Species Z: a catheter as depicted in Figures 59-60; and

Species AA: a catheter as depicted in Figures 61-62.

Accordingly, applicants have been required under 35 U.S.C. § 121 to elect a single of the disclosed species for prosecution on the merits.

B. Response to the Species Election Requirement

In response, Applicants provisionally elect for prosecution on the merits Species Q of the disclosed invention as depicted in Figures 44-46.

There the elected species of invention can be seen to comprise a dual lumen catheter device having a single, planar distal end wall that is inclined relative to the longitudinal access of the catheter and that is supported about the periphery thereof by a relatively thin portion of the side wall of a catheter tube. A pair of slits associated, respectively, with each of the lumens of the device are formed through the end wall interior of the side walls of the catheter tube and oriented parallel to the septum between the lumens.

1. Corresponding Claims

The following claims are respectfully submitted to be readable on the elected Species Q of the disclosed invention illustrated in Figures 44-46:

Claims 1, 6, 8-11, 13-22, 27, 28, 32, 33, 41, 44, 47, and 50.

## 2. Genericity Analysis

The following claims are respectfully submitted to be generic to all of the twenty-seven (27) identified species of the disclosed invention:

Claims 1, 6, 21, and 22.

Furthermore, the other claims readable on the elected Species Q of the disclosed invention are respectfully submitted to be generic to various subcombinations of the identified species of the disclosed invention in the manner set forth in the table below:

Claims	Number of Included Species	Subset of Included Species
10	25	A – D, G – AA
16, 19, 20	23	C – L, O – AA
41, 44	22	C – F, H – L, O – AA
15	21	A – U
17	20	C – F, H – L, O – Y
9	17	D – F, I – L, P – W, Y, AA
27	15	M – AA
32, 33, 47, 50	13	O – AA
18	13	J – L, P – W, Y, AA
28	10	N, O, Q, R, T – X, AA
8, 14	9	F – I, K, O, Q – S
13	8	G – I, K, O, Q – S

C. Conclusion

Accordingly, it is submitted that an examination on the merits of Claims 1, 6, 8-11, 13-22, 27, 28, 32, 33, 41, 44, 47, and 50 is now in order, and such examination is hereby requested.

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application which could be clarified by a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

DATED this 23<sup>rd</sup> day of December, 2003.

Respectfully submitted,



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